

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

No. 2:15-MD-02641- DGC

**SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Kelly Burt Buchanan

---

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

---

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

---

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Missouri

---

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Missouri

---

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Missouri

---

7. District Court and Division in which venue would be proper absent direct filing:

Missouri Eastern District Court

---

8. Defendants (check Defendants against whom Complaint is made):

- C.R. Bard Inc.
- Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

- Diversity of Citizenship

Other: \_\_\_\_\_

---

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

---

---

---

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
- G2® Vena Cava Filter
- G2® Express Vena Cava Filter
- G2® X Vena Cava Filter
- Eclipse® Vena Cava Filter
- Meridian® Vena Cava Filter
- Denali® Vena Cava Filter

Other: \_\_\_\_\_

11. Date of Implantation as to each product:

4/10/2013

---

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
- Count II: Strict Products Liability – Information Defect (Failure to Warn)
- Count III: Strict Products Liability – Design Defect
- Count IV: Negligence – Design
- Count V: Negligence – Manufacture
- Count VI: Negligence – Failure to Recall/Retrofit
- Count VII: Negligence – Failure to Warn
- Count VIII: Negligent Misrepresentation
- Count IX: Negligence *Per Se*
- Count X: Breach of Express Warranty
- Count XI: Breach of Implied Warranty
- Count XII: Fraudulent Misrepresentation
- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable Missouri (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages

Other(s): \_\_\_\_\_ (please state the facts

supporting this Count in the space immediately below)

---

---

---

---

13. Jury Trial demanded for all issues so triable?

Yes  
 No

RESPECTFULLY SUBMITTED this 16 day of May, 2019.

By: /s/ Matthew R. McCarley

**Matthew R. McCarley**  
Texas Bar No. 24041426  
mccarley@fnlawfirm.com

**Arati C. Furness**  
Texas Bar No. 24094382  
California Bar No. 225435  
afurness@fnlawfirm.com

**FEARS NACHAWATI, PLLC**  
5473 Blair Road  
Dallas, Texas 75231  
Tel. (214) 890-0711  
Fax (214) 890-0712

I hereby certify that on this 16 day of May, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Matthew R. McCarley  
**Matthew R. McCarley**